



Number: D96-11

Serving the People of California

DIRECTIVE

Date: October 16, 1996

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TO: SERVICE DELIVERY AREA ADMINISTRATORS
PRIVATE INDUSTRY COUNCIL CHAIRPERSONS
JTPD PROGRAM OPERATORS
EDD JOB SERVICE OFFICE MANAGERS
JTPD STAFF

SUBJECT: LIMITATION ON ENTRY EMPLOYMENT EXPERIENCE AND OTHER
AUTHORIZED SERVICES FOR TITLE II-C PARTICIPANTS

EXECUTIVE SUMMARY:

Purpose:

This Directive provides combined state and federal guidance regarding entry employment activities for Job Training Partnership Act (JTPA) Title II-C eligible participants. In addition, this document reflects the new format for directives and contains content changes from the interim directive.

Scope:

This Directive applies to entry employment experience and limited internship activities of year-round youth participants enrolled in JTPA Title II-C.

Effective Date:

This Directive is effective upon the date of issuance.

REFERENCES:

- JTPA
 - Section 141(k) (Program Requirements for Service Delivery Areas)
 - Section 264(c) (Authorized Services for Program Design of Title II-C Programs)

- Title 20, Code of Final Regulations (CFR), Part 626, et. al. (September 2, 1994)
 - Section 627.245 (Work Experience)
 - Section 627.305 (Payments)
 - Section 628.804 (Authorized Services)

STATE-IMPOSED REQUIREMENTS:

This Directive contains some state-imposed requirements. These requirements are indicated by ***bold, italic*** type.

FILING INSTRUCTIONS:

This Directive supersedes Interim Directive 94-17, dated August 16, 1994. Retain this Directive until further notice.

BACKGROUND:

Section 628.804(h) of the Interim Final Rule (Title 20 CFR Part 626, et al.; December 29, 1992) stated that, "Entry employment experiences . . . shall not exceed 500 hours" Based upon this initial interpretation, the state originally developed policy based upon the premise that all youth work experience was entry employment experience and thus subject to the 500 hour limit stated in Section 628.804(h). Subsequent clarification from the Department of Labor (DOL) stated that:

- there is not a 500 hour limitation on youth work experience; and
- multiple work experience components are allowable for Title II-C participants if supported by the participant's Individual Service Strategy (ISS).

Multiple work assignments are generally consecutive in nature. Out-of-School youth may take advantage of multiple work assignments if such a strategy is appropriate for their needs and reflected in their ISS.

The Final Rule deletes any reference to a 500 hour limitation on entry employment experiences; however, the 500 hour limitation was retained for On-the-Job Training (OJT). Furthermore, the Final Rule emphasizes that entry employment experience may include, but is not limited to, work experience and cooperative education.

POLICY:

The following relays mostly federal guidance on Entry Employment Experience and Limited Internship opportunities. The attached chart provides basic information regarding selected training opportunities for Title II-C participants. For a complete list of authorized services for youth in Title II-C programs, refer to Section 264(c) of JTPA.

Entry Employment Experience: Section 628.804(h) states: “Entry employment experience is a training activity which may be conducted in public or private agencies. In all cases, the training activity shall increase or develop the long term employability of eligible in-school and out-of-school youth.”

Section 628.804 states further that entry employment experience may include, but is not limited to, work experience and cooperative education. While participants may be compensated for training under work experience, the Final Rule prohibits the payment of subsidized wages to participants in cooperative education programs. This does not prohibit participants from being compensated with unsubsidized wages in cooperative education programs. The definition of entry employment experience identifies work experience and cooperative education as only two of its potential subsets. In designing a cooperative education program, service providers must abide by Section 141(b) which states that they may use JTPA funds in addition to, but not to replace, ongoing services.

If a Title II-C participant’s Objective Assessment and subsequent ISS indicate a need for multiple work assignments, the Service Delivery Area (SDA) may provide them to the participant. ***If an SDA places a participant in more than one work experience assignment, the SDA must thoroughly document such a need in the ISS.***

Work Experience: Section 627.245 of the Final Rule defines work experience as “a short-term or part-time training assignment with a public or private nonprofit organization for a participant who needs assistance in becoming accustomed to basic work requirements.” As stated previously, the Final Rule deletes the duration limit of work assignments. Additionally, participants may complete multiple work experience assignments if supported by the participant’s Individual Service Strategy (ISS).

Cooperative Education: Under an example of the most widely used model of cooperative education, students participate in a coordinated program of school-based learning and work in the private sector. It generally begins in the 11th grade for high school students, though some colleges use this model as well.

Limited Internship: Section 628.804(i) of the Final Rule describes limited internships as training in the private sector designed to enhance the long-term employability of youth. The regulations emphasize that the requirement of on-site private sector exposure to work should be combined with classroom instruction related to a particular position, occupation, industry, or the basic skills and abilities to compete successfully in the local labor market.

ACTIVITY	JTPA PARTNER OR WORKSITE	PAYMENT ALLOWED?	COMMITMENT BY EMPLOYER TO HIRE?	HOUR LIMIT ?	CITATION (JTPA) - (Regulations)
Entry Employment Experience	Public or Private Sectors	Yes; except for Subsidized Wages in Cooperative Education	Allowed/ Not Required	No	§264(c)(1)(H) ----- §628.804(h)
Work Experience	Private non-profit Sector; Public Sector	Yes	Allowed/ Not Required	No	§264(c)(1)(A) ----- §627.245 §628.804(h)(1)
Cooperative Education	Classroom-based learning; coordinated w/work in Private Sector	Subsidized Payments Not Allowed; ----- Unsubsidized Payments Allowed	Allowed/ Not Required	No	§264(c)(1)(I) ----- §628.804(h)(2)
Limited Internship	Private Sector	Yes	Allowed/ Not Required	No	§264(c)(1)(F) ----- §628.804(i)
On-the-Job Training	Private Sector or Public Sector	Yes	Yes	Yes	§264(c)(1)(A) ----- §627.240 §628.804(j)

ACTION:

Bring this Directive to the attention of the appropriate staff.

INQUIRIES:

Please direct inquiries about this Directive to Charles Kilbourne of the Policy Unit, at (916) 653-9270, or your Program Manager.

/S/ VICKI J. JOHNSRUD
Acting Chief

Attachment

RESOURCE APPENDIX

Previously published in a Training and Employment Guidance Letter by the Department of Labor, the following provides precautions that a Service Delivery Area should consider when developing a program design for limited internships. The information in this appendix is provided as reference material, not mandated federal or state guidance.

Use of this particular program design requires careful consideration by the SDA. The SDAs should avoid:

- the occurrence or perception of favoritism shown to one employer;
- placing disadvantaged youth in subsidized jobs that they can obtain on their own; and
- displacing noneconomically disadvantaged youth from jobs that they normally secure.

As a matter of sound public policy and in an attempt to avoid such problems, SDAs may wish to select private employers based upon an objective analysis. This analysis would consider the relative “value-added” contributions to the youth’s development the employer is willing and able to make.

Illustrative, but not all-inclusive examples of such contributions include:

- structured development/refinement of work maturity skills;
- integration of work and learning;
- provision of educational services;
- exposure to skill training;
- mentoring;
- vocational exploration/career guidance;
- commitment to hire the youth in a part-time or full-time job upon successful completion of the internship, substantial progress in or graduation from high school, or both. This job should be compatible with the youth’s occupational interest.

The SDAs should document why particular employers were or were not selected to serve as worksites.

For further information on potential training and program design information, visit the **DOL’s Training Technology Resource Center** site on the Internet at:

http://www.ttrc.doleta.gov
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